

MEDICAL RECORD Law, Rules & Regulations in the time of the EHR



Presented by:

The Legal Health Record Dream Team

Michael Lowe, Esquire and Kelly McLendon, RHIA

Program Overview

- Introductions
- Scenario discussions
- Key stakeholders in legal health records
- What your Legal Counsel should bring to the table
- Overview of HIPAA, CMS regulations and Florida Statutes regarding medical records
- Consents, authorizations, super confidential information
- Fees and charges
- Special considerations for super confidential, mental health, substance abuse and pediatrics
- Legal Process overview and Rules of Evidence for both Florida and Federal law
- Legal Health Record planning, including eDiscovery
- Liabilities and Consequences
- EHR & EMR, a wealth of confusion
- CCHIT
- HL-7 EHR standards and Legal Health Record Functional profile
- Ambulatory EHR (EMR) templates and functionalities from a physician users perspective
- EHR contracting
- Documentation principals for both paper and electronic records, including compliance, coding, data mining, audits (RAC and others), personal health records and computer assisted coding
- Common EHR implementation questions, including what the vendor and purchasers should expect to provide
- Continental Breakfast, lunch and break provided



Who Should Attend

- HIM Directors
- Privacy & Compliance Officers
- Risk Managers
- CIO & IT Managers
- Medical Informaticists
- Physician & Clinic Office Managers
- Release of Information specialists
- Patient Accounts and Billing Managers
- Diagnostic Imaging Department Directors
- Any Healthcare Record Custodians
- Document Management Vendors
- Vendors creating any type of EHR or EMR record solutions

Conference Materials & Handouts

In keeping with 'green' business this seminar is presented without an overabundance of paper handouts. Main program PowerPoint handout copies for real time note taking will be available for each attendee as well as a CD with sample forms, policies and procedures, GAP analysis checklist, business associate agreements, notice of privacy practices, statutes and regulations and planning documents; electronic version of our slide presentation; and the Health Information Xperts Legal Health Record Manual (a \$199 value) which includes: various tools to facilitate Legal Health Record definitions, sample polices and procedures as detailed on the HIX website at www.hixperts.com.



CEU Credits Available

10 CEU Credits will be applied for through the American Health Information Management Association (AHIMA)

Seminar Overview



This 2-day seminar will present perspectives on the vast subject of medical legal health records from the views of a practicing healthcare attorney, and a credentialed record management expert. This subject area is so vast in scope that it is never fully explored in a single educational instance, but these two professionals will present a view of what they consider the important elements in any discussion about 'legal' records, documentation practices, electronic record systems, disclosure and maintenance of the best records for any healthcare provider's defense. Physician practice, clinic, ambulatory surgical center and hospital venues will all be addressed.



Liabilities, consequences and how to protect against them are many times at the forefront of what legal health record conference participants are interested in learning. This seminar will tie these liabilities and consequences to many areas within the program.

The program will also cover in-depth applicable federal and Florida laws and rules on the privacy, security, ownership, and proper handling and release of records (HIPAA Regs, Florida Statutes, DOH and Board of Medicine Rules). As well as the current regulatory environment including AHCA, the Florida Department of Health and the OCR (HIPAA enforcement agency at HHS).

The seminar will also give specifics on EHR/EMR contracting provisions, do's and don'ts to look for in any contract, how to effectively negotiate those agreements, and how to tailor the software to your entity.

The program will also address how to design and implement best practice and policies and procedures for a compliance plan; conducting internal investigations and handling/defending government investigations.

Get the latest on the ever evolving eDiscovery rules and issues they are creating (*and will continue to create*). Find out what they mean for any health care entity and their medical records custodian(s). Practical advice on the various types of subpoenas and current trends in civil breach of privacy and other lawsuits arising from medical records disclosure issues (and how to prevent such litigation/claims). An in-depth look at the duties and obligations of a records custodian.



Learning Objectives

“The purpose of this seminar is to educate attendees with the most up-to-the-minute best practices—in relation to legal health records.”

- Up-to-date knowledge about HIPAA, CMR regulations, Florida statues, and rules managing medical records
- New Federal and Uniform eDiscovery Rule discussions and tools to manage the necessary cataloguing of EHR / EMR systems for future litigation
- How to create and manage a sound electronic record program and perform record custodian tasks in today's complex regulatory and legal environment
- How to institute legal holds in litigation responses
- What records to maintain and how to legally release information from medical records
- Does an EMR increase or decrease physician liability? ...the biggest question of today's physicians
- Awareness of issues that must be managed in EMR documentation and the use of templated Histories & Physicals and notes
- What is important to address when contracting for an EHR or EMR
- Sound medical record release, consent and authorization practices
- The importance of up-to-date and enforced Policies and Procedures to best create defensible Legal Health Records
- Clinical documentation improvement, coding and billing along with how an EHR both helps and hurts the objectives of your revenue cycle and liability reduction

Seminar & Registration

New Smyrna Beach, FL - April 2 & 3
Bert Fish Hospital
401 Palmetto Street 32168

Tallahassee, FL - March 19 & 20
Capital Health Plan - Harrison Auditorium
1491 Governors Square Boulevard 32301

\$499 - First organizational member registration
\$199 - each additional organizational member registration

Registration & Check-in: 7:30 a.m. | **Seminar:** 8:30 a.m. - 5:00 p.m.

To register visit:
www.knowledgeconnex.com/legalhealthseminar.asp

To obtain more information please contact:
Mr. Michael Lowe (407) 332-6353 ask for Collette

E-mail: cpridgen@lowehealthlaw.com

Alternate Contact:
Kelly McLendon (321) 268-0320
Email: kmclendon@hixperts.com

www.hixperts.com



About the Speakers/Presenters

Kelly McLendon, RHIA

Kelly is President of Health Information Xperts, a consultancy specializing in HIM, record management, electronic document management, legal and electronic health records. Kelly is an accomplished speaker, author and a 30 year AHIMA member.



Kelly was recently awarded the Florida Health Information Association's (FHIMA) highest honor, *Distinguished Member* for 2008. He joins a list of HIM luminaries from Florida who have volunteered extensive time and knowledge for both FHIMA and its parent organization American Health Information Association (AHIMA). He was awarded the AHIMA Visionary Award in 2003.

Kelly chaired the FHIMA Legislative Committee for both 2007 and 2008 which was responsible for a complete rewrite of the FHIMA Legal Manual. He has a long list of activities and posts held within FHIMA including being a former member of the Board of Directors.



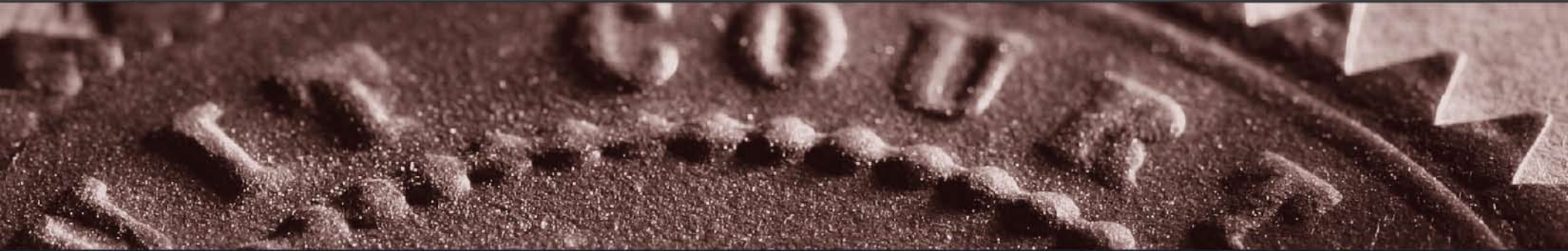
Michael R. Lowe, Esq.

Mr. Lowe is board certified in health care law by The Florida Bar. His practice focuses on all aspects of business, corporate, transactional, litigation, regulatory, operational and administrative matters in the health care law arena.



Mr. Lowe regularly represents clients in medical records and HIPAA privacy regulations issues, managed care contracting and reimbursement matters, the preparation, review and negotiation of physician employment agreements, Medicare/Medicaid fraud and abuse prevention, defense and reimbursement issues, medical staff privilege cases, professional licensure and disciplinary actions, voluntary self-disclosure cases, physician-hospital contracts, compliance plan development, and health care regulatory analysis and counseling matters. Licensed in both Florida and Georgia, Mr. Lowe is a member of the health law sections of the Florida Bar, Georgia Bar and American Bar Associations. Additionally, he is a member of the American Health Lawyers Association. He received his B.S. degree in history from the United States Naval Academy and his M.A. degree in national security studies from Georgetown University, and is a former naval aviator and Desert Storm veteran. Mr. Lowe graduated summa cum laude from the University of Alabama School of Law, where he earned his J.D. degree. He is a frequent lecturer on various health care law topics.





April 2 - 3
New Smyrna Beach, Florida
Bert Fish Hospital
Downtown New Smyrna Beach

March 19 - 20
Tallahassee, Florida
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For More Information:
www.knowledgeconnex.com/legalhealthseminar.asp